THE CITY OF NORFOLK

MEMORANDUM

TO: The Honorable City Council

CC: Marcus D. Jones, City Manager
Ronald H. Williams, Jr. Deputy City Manager

FROM: George M. Homewood, AICP, CFM, Director, Department of City Planning

SUBJECT: An ordinance to remove the mandatory minimum seating requirements and the prohibition of minors whenever alcoholic beverages are served or sold at public dance halls

DATE: January 15, 2016

On the January 26, 2016 Regular Agenda, City Council will again be reviewing a request to amend Chapter 5, Article II of the City Code in order to remove certain operational requirements for public dance halls that have been largely superseded by the modern practice of regulating through the special exception permit process.

The City first began regulating the operation of public dance halls in 1919. The law at that time prohibited people who were "under the influence of liquor" or "not of good fame" from being inside the dance hall. In 1944, the City added more limitations, including a rule prohibiting minors in the hall whenever "alcoholic beverages are sold or dispensed for consumption." The next amendment to these rules, adopted in 1967, added a requirement that the dance hall provide one seat for every patron "present at any one time." A survey of other Virginia cities shows that, in addition to Norfolk, Newport News, Richmond, Roanoke, Suffolk, and Virginia Beach all impose operational rules for dance halls. However, none of the other cities impose a mandatory minimum seating requirement.

An application for a special exception to authorize the operation of an Entertainment Establishment includes a full roster of operational conditions to mitigate any negative impacts that might otherwise result. In addition, special exception uses, as defined by the *Zoning Ordinance*, "are those uses having some potential impact or uniqueness which requires a careful review of their location, design, configuration and impacts to determine, against fixed standards, the desirability of permitting their establishment on any given site."

The types of events likely to be held in Entertainment Establishments where both children and alcohol could be present together with a dance floor include wedding receptions, wakes, birthday parties, anniversary celebrations, family reunions and the like. Children are similarly permitted in restaurants where alcohol is served as well as at events at Norfolk's Seven Venues facilities.

At the January 12, 2016 City Council public hearing, a special exception request for an Entertainment Establishment with alcoholic beverages from the Mambo Room Latin Dance Studio ("Mambo Room") was approved. Although the Mambo Room, located at 419 West 22nd Street, is essentially a dance school, it technically meets the definition of a "public dance hall" under City Code because it will be open to the public on occasions when special events and performances are being held and it proposes a dance floor with an area exceeding ten percent of the total floor area of the establishment. Although this special exception request was approved, the above referenced City Code amendment was continued to the January 26, 2016 City Council public hearing. This has presented operational difficulties for the Mambo Room, as the proposed operation of the establishment is in part dependent upon the approval of this City Code amendment.

Because Norfolk carefully regulates Entertainment Establishments through its special exception process, the minimum seating rule adopted in 1967 and the prohibition against minors adopted in 1944 have effectively been obviated by the more specialized conditions imposed in the special exception. Therefore, it is recommended that these older, less precise attempts to mitigate negative impacts that may be caused by public dance halls be eliminated. This ordinance accomplishes that change.

Staff points of contact:

Adam D. Melita, Deputy City Attorney – Law Department at 664-4366, adam.melita@norfolk.gov and;

Matthew Simons, CFM, City Planner II – Land Use Services at 664-4750, matthew.simons@norfolk.gov